IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5148 of 2005

Between:

M. Dhonge, S/o. Mutyalarao,
R/o. Vundavalli Village, Tadepalli Mandalam,
Guntur District.

..... PETITIONER

AND

1 The Superintendent of Police, Guntur District, Guntur.
2 The Deputy Superintendent of Police (Rural), Guntur District,

Mangalagiri Mandal.
3 The Station House Officer, Tadepalli Police Station,

Tadepalli, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in continuing the rowdy sheet No. 147/1979 against the petitioner in the 3rd respondent's police station as illegal and arbitrary and contrary to law and consequentially direct the respondents to close the rowdy sheet forthwith.

Counsel for the Petitioner: MR.M.L.ALI

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

The petitioner seeks to assail the action of the respondents in continuing the rowdy sheet No.147 of 1979 against him in the third respondent-Police Station as illegal and arbitrary.

The petitioner's case is that though a rowdy sheet was opened against him in the year 1979, all the cases filed against him ended in acquittal, and as on today no cases are pending against him. He contends that now he is leading a dignified life and doing business in sand query and is also the President of Krishnaveni All Castes and Ferry Boat Workers Development mutually aided Co-Operative Society Limited and doing service to the poor and downtrodden. He alleges that because of continuing the rowdy sheet against him, when even any untoward incident takes place in the State or any offence is committed, even without his involvement, the respondents are summoning him to the Police Station and making him to sit hours together in the Police Station subjecting him to mental agony and physical torture, which is reflecting on his future career. Hence, he sought for a direction from this Court to the respondents to close the rowdy sheet against him forthwith.

A counter-affidavit is filed by the Station House Officer- Sub-Inspector of Police, Tadepalli Police Station. It is admitted in the counter-affidavit that the petitioner was acquitted in all the cases and at present there are no cases against him and that he is doing some sand quarry business. It is stated that because of the past conduct of the petitioner they are still continuing the rowdy sheet against him.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is an admitted fact that as of today no cases are pending against the petitioner and the last case filed against the petitioner is in the year 1999 and it seems the same is also closed and the petitioner is doing quarry business. Hence, I deem it appropriate to direct the respondents to close the rowdy sheet against the petitioner. However, the respondents are at liberty to keep a vigilant observation on the petitioner and take appropriate action in accordance with law, if he is involved in any criminal activity.

Subject to above observation, the writ petition is allowed. No order as to costs.

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27.04.2005

dr/tvk

That Rule nisi has been made absolute.

Witness the Hon'ble Sri Bilal Nazki, the High Court Acting Chief Justice, on Wednesday, the twenty seventh day of April, Two thousand and five.

To

1 The Superintendent of Police, Guntur District, Guntur.
2 The Deputy Superintendent of Police (Rural), Guntur District,

Mangalagiri Mandal.
3 The Station House Officer, Tadepalli Police Station,

Tadepalli, Guntur District.

4 2 CCs to Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

5 2 CD copies

6 1 CC to MR.ALI